

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Petition for Rulemaking)	WT Docket No. 01-72
)	
)	

COMMENTS OF ERICSSON

Ericsson hereby submits comments in response to the Public Notice released March 16, 2001 on the Petition for Rulemaking filed by the Cellular Telecommunications and Internet Association (CTIA) on November 22, 2000 to implement §§ 222(f) and (h) of the Communications Act of 1934. CTIA's petition proposes the adoption of location privacy principles for mobile communications. As a leading supplier offering technical solutions to wireless communications providers, Ericsson understands the privacy issues that location-based services raise for both providers and consumers. Ericsson works closely with telecommunications providers and other partners to develop solutions for location-based services that address customers' privacy concerns. Ericsson supports the proposal that CTIA presents in its petition.

Ericsson believes that protecting customers' privacy and security of information is an essential pre-requisite to fostering the development of located-based and other advanced wireless services and mobile commerce. By applying privacy principles to different types of location service providers, the FCC will help companies market services on a "level playing field." In addition, Ericsson believes that separating privacy issues for mobile communications from the broader consumer protection network

information (“CPNI”) rules will allow for a timely resolution of these privacy concerns. For these reasons, Ericsson supports CTIA’s petition for rulemaking on this issue.

I. PRIVACY PRINCIPLES WILL ENCOURAGE THE DEVELOPMENT OF LOCATION-BASED SERVICES

The adoption of privacy principles proposed by CTIA will result in a more rapid deployment of location-based services and promote further commercial applications for this technology. In the absence of known privacy protections, consumers may be more hesitant to utilize location-based services. Further, if the integrity of their private information is not sufficiently protected, consumers will lose the significant value that these advanced technologies and innovation offer.

Once consumers are confident that their private information is sufficiently secure and is used only for those services that the consumer requests, consumers will likely be more interested in using location-based technologies for a broader range of services. Strong consumer confidence in and use of these services will drive further technological developments and new applications. Therefore, the adoption of privacy principles, as outlined by CTIA in its petition, will help consumers realize the maximum benefits of mobile commerce.

II. THE FCC SHOULD CONSIDER PRIVACY RULES THAT APPLY TO OTHER TYPES OF PROVIDERS BEYOND WIRELESS CARRIERS

Ericsson agrees that the Commission should consider adopting rules on privacy issues that apply to different types of companies providing location-based services. At present, wireless carriers are subject to regulation when providing location-based services. Yet, overlay location providers are not subject to regulation. Thus, the two classes of providers are treated disparately.

For their part, consumers may be affected by the different regulatory treatment applied to wireless carriers and overlay service providers. For example, a consumer would likely buy and use a location-based service from his wireless carrier. However, the location service itself may actually be provided by an overlay location provider. If the consumer begins to receive unsolicited communications, the consumer may believe that his/her principal carrier released private information. The consumer will then complain to and seek correction from the regulated carrier even though it may have been the unregulated overlay provider who is responsible for the disclosure of the consumer's information. This situation is unfair to the regulated carrier and the consumer.

The FCC should consider privacy principles that hold carriers and overlay providers to the same standards of conduct. Moreover, the FCC should consider adopting privacy principles that are technology neutral, as CTIA proposes.

III. ADDRESSING PRIVACY ISSUES FOR WIRELESS LOCATION-BASED SERVICES INDEPENDENTLY ALLOWS A TIMELY RESOLUTION OF PRIVACY ISSUES

By separating wireless privacy issues from other CPNI rules and proceedings, the FCC will ensure that privacy issues which impact location-based services are addressed in a timely matter. Certainty regarding privacy standards and requirements will allow nascent location-based services and providers to grow and prosper. Likewise, by solidifying security and privacy principles in the near term, the FCC will encourage mobile commerce and the innovative options it offers consumers. In turn, consumers will benefit from the broader availability and wider choice of location-based services.

IV. CONCLUSION

Ericsson supports CTIA's Petition for a Rulemaking on the implementation of §222 (f) and (h) of the Communications Act of 1934. Ericsson believes that ensuring the security and integrity of personal private information is important to foster the wide deployment of location-based services. In addition, Ericsson concurs with CTIA that privacy principles should be extended to other types of location-based service providers. Further, Ericsson concurs that the FCC should consider wireless location-based rules separately from other CPNI rules to resolve these privacy issues in a timely fashion.

Respectfully submitted on this 6th day of April, 2001.

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